



Wichita Police Department Policy Manual

Approved by:

Policy 524 - Carry Concealed Handgun Law (CCHL)

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Maintained by:
Persons Crimes

Issue/Rev.: I 9-20-2007

INTRODUCTION:

- 524.01 The Kansas Personal and Family Protection Act, also known as the Concealed Carry Handgun Law (CCHL), was enacted by the 2006 Kansas State Legislature and it went into effect on July 1, 2006. The Office of the Attorney General is responsible for all administrative functions associated with the Act, including the licensing authority.

A Carry Concealed Handgun (CCH) license resembles a Kansas driver's license. An applicant may choose a separate license or a notation on his/her Kansas driver's license or Kansas non-driver's identification card. Applicants choosing a separate license will be issued a temporary license receipt which is valid until the actual license arrives in the mail.

Unless a license has been suspended or revoked, records relating to licensees and license applicants are not open to public inspection. However, law enforcement agencies in Kansas and other jurisdictions can verify the existence and status of a CCH license by checking Kansas DMV files.

ELIGIBILITY FOR LICENSURE:

- 524.02 An applicant for concealed carry in Kansas must be:

- A. At least 21 years of age;
- B. A citizen of the United States;
- C. A resident of Kansas for at least six months prior to applying;
- D. A resident of the county where applying; and
- E. Fingerprinted and submit a completed application packet at the sheriff's office in the county where the applicant resides.

DISQUALIFIERS FOR LICENSURE:

- 524.03 Permanent disqualifiers: The following disqualifiers will result in the denial of a license and, if the disqualifying event occurs during the period of licensure, suspension of a license pending the outcome of the matter.

Permanent Disqualifiers:

- A. A physical infirmity preventing safe handling of a weapon;
- B. A felony conviction or diversion for a felony charge in Kansas or another jurisdiction. This disqualifier applies regardless of whether the conviction or diversion was expunged;
- C. Unless expunged, adjudication as a juvenile offender in Kansas, or another jurisdiction, for committing an act that would be a felony if committed by an adult;
- D. Court ordered treatment for mental illness, alcohol, or substance abuse (unless the court restored the person's ability to legally possess a handgun at least five years prior to applying for licensure);
- E. Adjudication as a disabled person in Kansas, or another jurisdiction, under laws relating to the appointment of a guardian/conservator (unless the person has been restored to capacity for at least three years);
- F. Dishonorable discharge from the military; or
- G. Subject to a restraining order issued in any of the following circumstances:
 - 1. Protection from Abuse Act or Protection from Stalking Act;
 - 2. Interlocutory restraining orders in a divorce;
 - 3. Protective orders in a child-in-need-of-care proceeding; or
 - 4. Equivalent restraining order from another jurisdiction that is entitled to full faith and credit in Kansas.
- H. Conviction or diversion for a domestic violence misdemeanor, as defined by 18 U.S.C. 921 (a)(33)(A), in Kansas or another jurisdiction. This disqualifier applies regardless whether the diversion or conviction was expunged.
- I. Adjudication as a juvenile offender in Kansas, or another jurisdiction, for committing an act that would be a domestic violence misdemeanor, as defined by 18 U.S.C. 921 (a)(33)(A), if committed by an adult.

- 524.04 Time-limited disqualifiers: The following disqualifiers apply at the time of application only if the event occurred within five years of the date of application for licensure. However, suspension and/or revocation is warranted if the disqualifying event occurs during the licensure period.

Time-limited disqualifiers:

- A. Conviction or diversion for a misdemeanor under the Uniform Controlled Substances Act (K.S. A. 65-4101 *et seq.*) in Kansas or similar provisions from another jurisdiction. This disqualifier applies regardless whether the diversion or conviction was expunged;
- B. Unless expunged, adjudication as a juvenile offender in Kansas, or another jurisdiction, for committing an act that would be a misdemeanor under the Uniform Controlled Substances Act, or similar provision in another jurisdiction, if committed by an adult;
- C. Two convictions or diversions of DUI in Kansas or another jurisdiction;
- D. Conviction or diversion for a violation of the new law prohibiting carrying a concealed weapon while under the influence of alcohol and/or drugs (CUI) in Kansas or another jurisdiction;
- E. Adjudication as a juvenile offender in Kansas, or another jurisdiction, for committing an act that would constitute a CUI if committed by an adult;

- F. Conviction or diversion for carrying a concealed firearm without a license in Kansas or another jurisdiction;
- G. Adjudication as a juvenile offender in Kansas, or another jurisdiction, for carrying a concealed firearm without a license;
- H. Contempt of court in a child support proceeding.

RECOGNITION OF OUT-OF-STATE LICENSES:

- 524.05 Concealed carry licenses issued in other states are valid in Kansas provided the holder is a nonresident of Kansas and the Attorney General has determined that the standards in the issuing jurisdiction are "equal to or greater" than the requirements in the Act. Kansas residents must have a Kansas license to legally carry concealed in the state. Jurisdictions with equivalent standards are posted on the Attorney General's web site (www.ksag.org). Whenever the list of approved states changes, law enforcement agencies will be advised via the Kansas Criminal Justice Information System.
- 524.06 Out-of-state residents carrying concealed in Kansas pursuant to a license issued by a recognized state, must be a resident of that state. For example, a California resident with a Florida license may not carry in Kansas. Nonresident licensees are subject to Kansas concealed carry laws while carrying in the state. Enforcement of violations is the same for resident and nonresident licensees.
- 524.07 Out-of-State reciprocal license holders are required to carry both proof of residency and their carry concealed handgun license (unless both are contained on one document).

PUBLIC AND PRIVATE EMPLOYERS - RIGHTS OF RESTRICTION

- 524.08 Pursuant to K.S.A. 75-7c11 - Any public or private employer may restrict or prohibit by personnel policies, persons licensed under this act from carrying a concealed weapon while on the premises of the employer's business or while engaged in the duties of the person's employment by the employer, except that no employer may prohibit possession of a firearm in a private means of conveyance, even if parked on the employer's premises.

VIOLATIONS OF THE CARRY CONCEALED LAW:

- 524.09 Violations must be charged in District Court. If arrested, suspects will be booked HFSW. (K.S.A. 75-7c10, 75-7c11 and 75-7c12)

DISCLOSURE OF CCH STATUS

- 524.10 It is a class A misdemeanor for anyone to reveal, other than to law enforcement personnel, that a certain individual or individuals are CCH applicants or licensees, or have been denied licensure. This includes disclosure by a law enforcement officer to non-law enforcement personnel. (K.S.A 75-7c06)

CONCEALED CARRY INCIDENT REPORT (CCIR) AND IMPLIED CONSENT ADVISORY (ICA):

- 524.11 The Concealed Carry Incident Report (CCIR) form is used by law enforcement officers to report CCH incidents to the Attorney General. The Implied Consent Advisory (ICA) is provided on the reverse side of the CCIR. This form closely resembles the Kansas Department of Revenue forms DC-27 and DC-70, which are used to report incidents of driving under the influence (DUI).

CARRYING CONCEALED UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (CUI):

- 524.12 If an officer has reason to believe that a CCH licensee is carrying concealed while under the influence, whether driving a vehicle or not, the licensee is subject to appropriate testing (breath, blood, urine) to determine the level of intoxication. The procedures followed for this purpose are very similar to those employed for DUI investigations, as described in policy 303. The following guidelines shall be used for investigating incidents of CUI.

- A. CCH licensee is driving while carrying concealed and believed to be under the influence of alcohol and/or drugs: The CCH licensee is subject to arrest for both DUI and CUI if the test registers at or over the statutory limit. The statutory limits for CUI are the same as those for DUI.

When conducting the Implied Consent Advisory and providing a copy of the Implied Consent Notices, the officer should follow the DUI policy (303), and first provide the licensee with a copy of the Department of Revenue Form DC-70. Additionally, a CCH licensee is entitled to written and oral notice via the CCH Implied Consent Advisory, which is on the reverse side of the Concealed Carry Incident Report (CCIR). Reading this notice, following the reading of the DC-70, and providing a written copy of each to the licensee, fulfills the officer's obligation to provide oral and written notice.

If the CCH licensee is found to be under the influence, the officer will confiscate the person's stand-alone CCH license and it will be mailed to the Attorney General along with the completed CCIR form. If the person's CCH license status is noted on his/her driver's license, the original license will be sent to the Department of Revenue and a photocopy will be sent to the Attorney General. The officer shall also confiscate the licensee's weapon.

- B. CCH licensee is carrying concealed, but not driving, and believed to be under the influence of alcohol and/or drugs: The procedures are the same as those used for processing a DUI, except the officer will do the following:
 1. Provide a copy of the notices provided on the CCIR-ICA form;
 2. Read the implied consent notices on the CCIR-ICA form;
 3. If found to be under the influence, the officer will confiscate the person's CCH license and it will be sent to the Attorney General along with the completed CCIR form. The officer may also seize the licensee's weapon.

C. CCH licensee carrying concealed and refuses to be tested for level of intoxication:

1. If after written and oral notices have been given, a licensee refuses the test to determine his/her level of intoxication, no further testing may be done unless the officer has probable cause to believe that the licensee, while under the influence, was concealed carrying a weapon used in the killing or serious injury of another person.
2. If the licensee refuses to test and a killing or serious injury has occurred, and the officer has probable cause to believe that the individual who was carrying concealed the weapon that caused such death or serious injury, the officer shall:
 - a. Confiscate the licensee's license and weapon;
 - b. Proceed with standard criminal investigation procedures; and
 - c. Complete the CCIR form, which will be sent, along with the CCH license, to the Attorney General.
3. If a licensee refuses to test and a killing or serious injury has not occurred, the officer shall do the following:
 - a. Confiscate the licensee's weapon and CCH license;
 - b. Follow standard DUI/CUI procedures where an individual refuses to test; and
 - c. Complete the CCIR form which will, along with the CCH license, be sent to the Attorney General.

D. CCH licensee fails a test administered to determine level of intoxication while carrying concealed: The licensee is processed in the same manner that a DUI is processed. If the licensee was driving, he/she may be charged with DUI and CUI. The arresting officer should do the following:

1. If the person was driving and carrying concealed, the officer shall confiscate both the driver's license and the CCH license, confiscate the person's weapon, and complete the DC-27 form and the CCIR form.
2. If the person was not driving, the officer shall confiscate the CCH license, confiscate the weapon, and complete the CCIR form.

NOTE: Refusing or failing a test, administered to determine level of intoxication while carrying concealed, are the only instances where law enforcement officers are mandated to confiscate the CCH license and forward it to the Attorney General.

FOLLOW-UP INVESTIGATION OF INCIDENTS INVOLVING CARRY CONCEALED HANDGUN LICENSEES:

525.13 Since criminal violations of the CCH law must be charged in District Court, investigative follow-up of a carry concealed handgun incident by a licensee will be required. The following guidelines will be followed when determining which section/unit of the Department is responsible for completing the necessary follow-up, which may include contacting the Office of the Attorney General.

- A. When the incident involves weapons-related charges only, the Gang/Felony Assault Section is responsible for the follow-up investigation.
- B. When the incident involves additional criminal charges, such as a robbery or auto theft, the section responsible for investigating the felony charge(s) is responsible for the follow-up investigation.
- C. When a CCH licensee is arrested for both CUI and DUI, or any traffic offense and a CCH violation, the Traffic Section/Accident Follow-up Unit is responsible for the follow-up investigation.
- D. When a CCH licensee is arrested for a violation of the CCH statute only, the Gang/Felony Assault Section is responsible for the follow-up investigation.
- E. When a case involving a violation of the CCH law occurs in conjunction with violations which would ordinarily be charged in Municipal Court, the suspect will be booked hold for State warrant.
- F. All officers arresting or charging a suspect for a felony offense, a controlled substance violation, a second or subsequent DUI offense in the past five years, or a crime of domestic violence, shall conduct a driver's license check to determine if the suspect is a CCH licensee. If the suspect is a CCH licensee, notification shall be made to the Attorney General via the Concealed Carry Incident Report.
- G. An officer shall not knowingly reveal that an individual is a CCH applicant, licensee, or has been denied a CCH license, other than to law enforcement personnel.